



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

May 12, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fritz Boyer, Mayor
City of Springville
50 South Main
Springville, Utah 84663

Russel Vest, Director of Drinking Water
Springville City Water
909 East 400 South
Springville, Utah 84663

Re: Administrative Order
Docket No. **SDWA-08-2004-0023**
Springville City Water
PWS ID # UT4900420

Dear Messrs. Boyer and Vest:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. and its implementing regulations. Among other things, the Order finds that Springville City Water System is a public water system as defined by the Safe Drinking Water Act (SDWA) and 40 C.F.R. § 141.2, and is, therefore, subject to its requirements. EPA also finds that Springville City Water has violated 40 C.F.R. part 141, subpart E; Unregulated Contaminant Monitoring Regulation (UCMR) by failing to: monitor for the 12 chemical contaminants in the Screening Survey for List 1; and electronically report the results to EPA. The enclosed Order requires compliance with these requirements of the SDWA and its implementing regulations.

If Springville City Water complies with the enclosed Order EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering Springville City Water to comply.



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Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information can be sent to Jackson Naftel at the address on the letterhead, including the mailcode 8ENF-W, or you may call Mr. Naftel at (800)227-8917, extension 6362, or (303) 312-6362. If you wish to have an informal conference with EPA, you may also call or write Mr. Naftel. If you are represented by an attorney please feel free to have your attorney call Michelle Jalazo, Enforcement Attorney, at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order

cc: Kevin Brown, UT DEQ
Ken Bousfield, UT DEQ



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

| | | |
|-----------------------------------|---|-------------------------------------|
| IN THE MATTER OF |) | |
| Springville City Water |) | |
| Springville, Utah |) | |
| |) | |
| Respondent |) | |
| |) | ADMINISTRATIVE ORDER |
| Proceedings under Section 1414(g) |) | |
| of the Safe Drinking Water Act, |) | |
| 42 U.S.C. § 300g-3(g) |) | Docket No. SDWA-08-2004-0023 |

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act or SDWA), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The City of Springville (Respondent) is a municipality and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a "public water system," the Springville City Water System, located in Springville, Utah for the provision to the public of piped water for human consumption.



3. Respondent provides water to the public for human consumption through pipes to more than 10,000 persons. Respondent is a "supplier of water" as that term is defined in section 1401(5) of the SDWA and 40 C.F.R. § 141.2, and a "community water system" as defined in section 1401(5) of the SDWA and 40 C.F.R. § 141.2.
4. Respondent's public water system utilizes a ground water source.
5. On September 17, 1999, EPA promulgated a final rule, effective in January 2001, requiring selected public water systems to monitor for unregulated contaminants in drinking water in accordance with the Unregulated Contaminant Monitoring Regulation (UCMR) codified at 40 C.F.R. part 141. The purpose of the UCMR program is to collect contaminant occurrence data to support EPA's decisions regarding whether or not to regulate contaminants, such as those on the Drinking Water Contaminant Candidate List, to protect public health.
6. As a "public water system," "supplier of water," "owner," "operator," and "person," Respondent is therefore subject to the requirements of the UCMR at 40 C.F.R. part 141, subpart E, as well as part B of the SDWA, 42 U.S.C. § 300g *et seq.*, and all other applicable requirements of the Act as defined at 42 U.S.C. § 300g-3(i), including applicable requirements



within part B's implementing regulations at 40 C.F.R. part 141.

7. The State of Utah, acting through the Utah Department of Environmental Quality, has primary enforcement responsibility under section 1413(a) of the SDWA, 42 U.S.C. § 300g-2(a), to ensure that suppliers of water in the State comply with the requirements of the SDWA. However, the UCMR is a regulation for which EPA will retain primary enforcement authority as per 40 C.F.R. part 141, subpart E.
8. Respondent's public water system is a large system serving more than 10,000 persons and does not purchase its entire water supply from another system.
9. 40 C.F.R. § 141.40(a)(1)(ii) requires a large system serving more than 10,000 persons and not purchasing its entire water supply from another system to monitor for the unregulated contaminants on List 1 of "Table 1-Unregulated Contaminant Monitoring Regulation (1999) List" in 40 C.F.R. § 141.40(a)(3) (hereinafter referred to as the Assessment Monitoring List 1).
10. 40 C.F.R. § 141.40(a)(5)(ii) requires a large water system using surface and/or ground water to sample for the contaminants listed in the Assessment Monitoring List 1 beginning in 2001 and complete the sampling no later than December 31, 2003. Ground water systems



must collect two (2) rounds of samples during the time frames specified in 40 C.F.R. § 141.40(a)(5)(ii)(Table 3).

11. 40 C.F.R. §§ 141.35(a), (b) and (e) provide that a water system required to monitor under 40 C.F.R. § 141.40 must report its Assessment Monitoring List 1 monitoring results to EPA with a copy to the State using EPA's electronic reporting system. Under 40 C.F.R. § 141.35(e)(1), the water system is responsible for reviewing and approving its reporting after it has the Assessment Monitoring List 1 monitoring results entered into EPA's electronic reporting system.
12. The State notified Respondent in writing in 2000 of the UCMR and its requirements, including the need to monitor for the contaminants listed in the Assessment Monitoring List 1 beginning in 2001 as required by 40 C.F.R. § 141.40(a), and the need to report UCMR monitoring data in the manner required by 40 C.F.R. § 141.35(e).
13. Based on the information available to EPA, the Respondent collected one set of samples on March 3, 2004 but has not yet fully reported the results to EPA, and has failed to monitor and report the results of the second set of samples for UCMR List 1 contaminants, as



specified in 40 C.F.R. part 141, subpart E, in violation of 40 C.F.R. § 141.40(a)(1), § 141.40(a)(5), § 141.35(d) and § 141.35(e).

14. 40 C.F.R. §§ 141.153(d) and 141.207 require Respondent to notify the public of its failure to comply with the UCMR monitoring and reporting requirements. Respondent failed to notify the public of these violations.

15. EPA is issuing this Administrative Order to address the violations enumerated above and to place the Respondent on an enforceable schedule to comply with the UCMR Requirements of the SDWA and 40 C.F.R. part 141, subpart E.

ORDER

Based on the foregoing Findings, and pursuant to section 1414(g) of the Act, IT IS ORDERED:

1. Within forty-five (45) days of this Order's effective date Respondent must enter, review, approve, and otherwise report the results from any and all UCMR monitoring that Respondent has conducted as of the effective date of this Order using EPA's electronic reporting system in the manner set forth at 40 C.F.R. § 141.35(e).

2. According to the schedule specified in 40 C.F.R. § 141.40(a)(5)(ii)(table 3) and considering the date of Respondent's first sample, Respondent must collect the



second set of samples between August 3, 2004 and August 17, 2004.

3. Respondent shall report, review and approve its second set of UCMR monitoring results in the manner required under 40 C.F.R. § 141.35.
4. Respondent shall conduct all electronic reporting, including the entering, reviewing and approving of UCMR data in EPA's electronic reporting system, as required by 40 C.F.R. §§ 141.40(a) and 141.35, no later than October 31, 2004.
5. Respondent shall comply with the requirements of 40 C.F.R. § 141.201 and § 141.153(f) to notify the public of the violations enumerated above. Respondent must report this violation in its Consumer Confidence Report (CCR) for 2003, to be issued to the public in 2004.
6. Respondent shall comply with the requirement of 40 C.F.R. § 141.207 to notify the persons served by the system of the availability of the results of the UCMR monitoring. In addition, Respondent must report these results in its CCR, as required by 40 C.F.R. § 141.153(d).
7. Reporting requirements specified in this Order shall be provided by certified mail to:



Jackson Naftel
U. S. EPA Region 8 (8ENF-W)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject Respondent to an administrative civil penalty of up to \$27,500 under section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by a U.S. District Court, under section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. District Court, under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.



Issued this 12TH day of May, 2004.

David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON
MAY 12, 2004.**



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